IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2091 OF 2005.
IN
WRIT PETITION NO. 500 OF 2005.

WITH

CIVIL APPLICATION (ST.) NO. 17901 OF 2005.
IN
WRIT PETITION NO. 625 OF 2005.

Bank Karmachari Sangh
and another. ... Applicants.

V/s.

Citizens Co-operative Bank
Limited. ... Respondent.

CORAM: V.C.DAGA, J.

DATED: 6th December, 2005.

P.C.:

. Heard learned counsel for the rival parties.

2. The original petitions are directed against the orders of the Industrial Court dated 8th December, 2004, whereby revision applications challenging the orders passed by the Labour Court directing reinstatement of applicant No.2/ original respondent No.2 with back wages came to be confirmed. In other words, the petitioner-Bank has suffered two orders, one passed by the Labour Court and another passed by the Industrial Court. During pendency of the litigation before it, the Labour Court vide its order dated 4th April, 2003

had directed the petitioner- Bank to pay 50% back wages to the concerned workmen i.e. respondent No.2 in these petitions during the pendency of the complaints. This order was confirmed by the Industrial Court and thereafter by this Court in Writ Petition No.8214 of 2003. In other words, during pendency of the original proceedings the order directing 50% payment of back wages was holding the field.

3. Needless to mention that at that stage the complaints were not decided on its own merits. Today, there are two orders, one decided by the Labour Court directing reinstatement of the workmen with full back wages and second affirmation thereof by the Industrial Court. The respondent No.2 in both the petitions as on date stand on better footing. In this view of the matter, I see no difficulty in directing the petitioner-Bank to pay 50% of back wages to the workmen since both of them have succeeded in two courts below.

4. Accordingly, petitioner-Bank is directed to pay 50% of back wages to applicant Nos.2/ original respondent No.2 in both petitions. In addition to this, I also direct the petitioner-Bank to deposit entire amount of back wages till today in this Court within four weeks from today.

5. Needless to mention that non-compliance of this order would result in automatic vacation of the interim relief operating in the petitions in favour of the petitioner-bank.

6. Both civil applications stand disposed of in terms of this order with no order as to costs.

(V.C.DAGA, J.)